

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal documents submitted by Defendant in opposition to Plaintiff's Motion for a Protective Order. Specifically, Plaintiff seeks to seal Defendant's Response, the Declaration of Robert J. Scheffel, the Table of Exhibits, and Exhibits 2-6, 8-21, and 28 submitted by Defendant in opposition to Plaintiff's motion on the ground they "contain sensitive business and technical information concerning a non-public legal matter, Syngenta's confidential agreements with third parties, and Syngenta's strategies on generic competition, pricing, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property." (Mot. Seal [DE #178] at 1.)

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231

(4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #178] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Response in Opposition to Plaintiff's Motion for Protective Order [DE #158]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Jeff Cecil [DE #179-3];

b. Declaration of Robert J. Scheffel [DE #159]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Jeff Cecil [DE #179-4];

c. Table of Exhibits to Declaration of Robert J. Scheffel [DE #159-1]. A redacted version of this filing is attached as Exhibit 3 to the Declaration of Jeff Cecil [DE #179-5];

d. Exhibit 2 to Declaration of Robert J. Scheffel [DE #159-2]. A redacted version of this filing is attached as Exhibit 4 to the Declaration of Jeff Cecil [DE #179-6];

e. Exhibit 3 to Declaration of Robert J. Scheffel [DE #159-3];

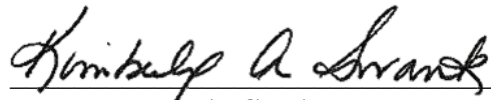
f. Exhibits 4, 5, 6, 8 to Declaration of Robert J. Scheffel [DE ##159-4, 159-5, 159-6, 159-7]. Redacted versions of these filings are attached as Exhibits 5, 6, 7, 8 to the Declaration of Jeff Cecil [DE ##179-7, 179-8, 179-9, 179-10];

g. Exhibits 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 to Declaration of Robert J. Scheffel [DE ##159-8, 159-9, 159-10, 159-11,

159-12, 159-13, 159-14, 159-15, 159-16, 159-17, 159-18, 159-19, 159-20];
and

h. Exhibit 28 to Declaration of Robert J. Scheffel [DE #159-21]. A redacted version of this filing is attached as Exhibit 9 to the Declaration of Jeff Cecil [DE #179-11].

This 26th day of June 2021.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge